

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-40078

[REDACTED]

Ingham County DHS-33

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, an in person hearing was held on September 7, 2011. The Claimant appeared along with his wife and household member [REDACTED] and both testified. The Department was represented by [REDACTED].

ISSUE

Did the Department properly close Claimant's Food Assistance Program and Adult Medical Program benefits for failing to verify employment income?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was a recipient of FAP and AMP benefits.
2. After receiving information in a SER application regarding new employment for the Claimant a verification of employment form was sent to Claimant on April 25, 2011 with a May 5, 2011 due date.
3. Claimant has just begun the job and did not have pay stubs.
4. Claimant requested a hearing on May 21, 2011 contesting the closure of FAP and AMP benefits.
5. Claimant's FAP and AMP benefits were reinstated pending hearing. Household member Shelly Merchant's AMP benefit was not reinstated, this was in error.

6. At the hearing the Department agreed that household member [REDACTED] AMP benefit should have been reinstated while the hearing was pending and agreed to do that.

CONCLUSIONS OF LAW

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, Claimant failed to submit the verification of employment prior to the deadline as required by Department policy. BAM 130. This Administrative Law Judge finds that Claimant failed to provide required verifications therefore closure of Claimant's FAP and AMP benefits was correct and proper. Claimant testified that he felt uncomfortable asking his new employer to fill out paperwork because he just started the job and was concerned that there might be negative repercussions. If Claimant wants to receive benefits verifications are required and need to be provided even when it might be awkward to impose on third parties.

In the present case, the parties reached an agreement whereby the Department agreed to reinstate household member Shelly Merchant's AMP benefits back to the date of closure because they should have been reinstated pending hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the closure of FAP and AMP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED. The parties reached an agreement at hearing that household member Shelly Merchant's AMP benefit would be reinstated and reprocessed going back to the date of closure.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 9/13/11

Date Mailed: 9/13/11

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

AM/ds

